

Rec'd PCT/PTO 02 DEC 2005

GRIHAC P44AUS

COMBINED DECLARATION AND POWER OF ATTORNEY

10/538303

(Original, Design, National Stage of PCT, Supplemental)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- original
- design
- supplemental
- National Stage of PCT
- divisional (see added page)
- continuation (see added page)
- continuation-in-part (see added page)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship is as stated below next to my name. I believe that the named inventor listed below is the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

PATIENT WARMING SYSTEM

SPECIFICATION IDENTIFICATION

The specification of which: (complete (a), (b) or (c))

- (a)  is attached hereto.
- (b)  was filed on with an effective filing date of December 9, 2003 as Serial No. \_\_\_\_\_ or Express Mail No. \_\_\_\_\_ as Serial No. (not yet known) and was amended on \_\_\_\_\_ (if applicable).
- (c)  was described and claimed in PCT International Application No. PCT/AU2003/001626 filed on December 9, 2003 and as amended under PCT Article 19 on \_\_\_\_\_ (if any).
- (d)  amended on \_\_\_\_\_

POWER OF ATTORNEY

As a named inventor, I hereby appoint all of the practitioners associated with the Customer No. 020210, namely, Anthony G. M. Davis, Registration No. 27,868, Gary D. Clapp, Registration No. 29,055, Michael J. Bujold, Registration No. 32,018, Scott A. Daniels, Registration No. 42,462 and Jay S. Franklin, Registration No. 54,105, as attorneys and/or agents to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection therewith.

Attached as part of this Declaration and Power of Attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

Send Correspondence to:

Customer No. 020210  
Davis & Bujold, P. L. L. C.  
Fourth Floor  
500 N. Commercial Street  
Manchester, NH 03101-1151

Direct Telephone Calls to: (603) 624-9220

Direct Facsimiles to: (603) 624-9229

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR  
**107538303**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me/us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Australian	2002953185	December 9, 2002	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

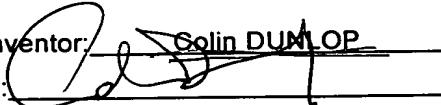
**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

I hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below.

<u>Application Number(s)</u>	<u>Filing Date (MM/DD/YY)</u>	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

100 Full name of sole inventor: Colin DUNLOP Inventor's signature: 

Date: 27 - 7 - 2005

Post Office Address: Unit 13, 46-48 Buffalo Road, Gladesville, New South Wales 1670, Australia

Residence: Same as Above  Country of Citizenship: Australia

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IMPORTANT NOTICE RE  
DUTY OF CANDOR AND GOOD FAITH  
**10/538303**

The Duty of Disclosure requirements of Section 1.56(a), of Title 27 of the Code of Federal Regulations, are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application, and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Patent Office all information they are aware of which is known to be material to patentability of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation, each inventor executing the Declaration for the filing of a patent application acknowledges his/her duty to disclose information of which he/she is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

(a) was ever known or used in the United States of America before his/her invention thereof;

(b) was patented or described in any printed publication in any country before his/her invention thereof or more than one year prior to the actual filing date of the United States patent application;

(c) was in public use or on sale in the United States more than one (1) year prior to the actual filing date of the United States patent application; or

(d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the United States patent application in any country foreign to the United States on an application filed by him/her or his/her legal representative(s) or assign(s) more than twelve (12) months before the actual filing date in the United States.

**NOTE:** The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant(s) and assignee(s) own, United States or foreign application(s) and patent(s), as well as any other pertinent prior art known, or which becomes known, to the inventor or his/her representative(s). Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.

If there is any doubt concerning whether or not a citation is "material" to patentability of the application, it is better to err on the side of safety and disclose such art to the United States Patent Office.